IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 8142 of 2005

Between:

Venna Chinna Venkat Reddy, Educational Society, Markapurm. Prakasham District, rep. by its Secretary, B. Guruva Reddy, S/o. Avula Reddy, R/o. Besthavaripeta Vill & Mandal, Prakasham District.

..... PETITIONER

AND

1 Govt of A.P., rep. by its Prl. Secretary to Govt., School Edeucation (Training-A1) Department, Secretariat, Hyderabad.
2 Nagarjuna University, Vijayawada, rep. through its Registrar.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue a writ of Mandamus or any other appropriate Writ or Writs, Order or direction, declaring the action of the 2nd respondent in keeping pending the application of the petitioner for grant of affiliation to the college established by them to start B Ed Course, on the ground that the petitioner do not have permission from the state Government, as illegal and arbitrary and consequently direct the 2nd respondent to forthwith grant affiliation to the college established by petitioner, for the year 2004-2005, as per Section 14 (6) of N C T E Act, without insisting for grant of permission from the State Government ;Award costs and pass such other or further orders as are deemed fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.N.SRIDHAR REDDY

Counsel for the Respondents: GP FOR SCHOOL EDUCATION

The Court at the stage of admission made the following:

-

ORDER:

This writ petition is filed aggrieved by the alleged action of the second respondent-Nagarjuna University, Vijayawada, in not considering the application of the petitioner dated 12-03-2005 for grant of affiliation to the college established by it to start B.Ed., course on the ground that the petitioner does not have permission from the State Government.

It is not in dispute that the petitioner herein was already granted no objection certificate by the Government in the month of December, 2001. Pursuant to the same, the petitioner made an application to the National Council for Teacher Education (NCTE), Southern Region, Bangalore, to grant recognition and accordingly the NCTE was pleased to grant recognition on 28-01-2005. Based on the same, the petitioner made an application dated 12-03-2005 before the second respondent University for grant of affiliation. In the circumstances, the contention of the petitioner is that the action of the second respondent university in keeping pending the application of the petitioner dated 12-03-2005 is not at all justified. When the matter is taken up for consideration, the learned counsel for both the parties represented that the issue raised in this writ petition is squarely covered by the decision of this Court in W.P.No.7878 of 2005 dated 13-04-2005, whereunder having considered an identical question, this Court held that in the absence of any provision under the National Council for Teacher Education Act, or any other statute which provides for permission from the Government to start the college after the institution was granted no-objection certificate by the Government and recognition by the NCTE, the action of the respondent University therein in returning the applications for grant of affiliation only on the ground of further permission from the Government appears to be unwarranted and cannot be sustained. Accordingly the said writ petition was disposed of with a direction to the respondent University to consider the application of the petitioners therein afresh for grant of affiliation without insisting for obtaining permission from the Government.

Following the decision in W.P.No.7878 of 2005, the writ petition is disposed of with a direction to the second respondent University to consider the application of the petitioner dated 12-03-2005 seeking grant of affiliation to the B.Ed., college

established by it for the academic year 2004-2005 without insisting for obtaining further permission from the Government and pass appropriate orders in accordance with law, as expeditiously as possible, preferably within a period of one week from the date of receipt of a copy of this order.

The Writ Petition is accordingly disposed of. No order as to costs.

_____

G. ROHINI, J

Dated: 27-04-2005

LSK

To

1. The Principal Secretary to Govt., School Edeucation
(Training-A1) Department, Secretariat, Hyderabad.
2. The Registrar,

Nagarjuna University, Vijayawada.